

MODIFIED COMPLIANCE PLAN

February 7, 2014

Bad River Wastewater Treatment Facilities
(Bad River WWTP, Diaperville Stabilization Lagoon, Birch Hill Stabilization Lagoon)

Information:

Facility Name: Bad River WWTP, Diaperville Stabilization Lagoon, Birch Hill Stabilization Lagoon

Location: Bad River Indian Reservation

Owner/Operator: Bad River Band of the Lake Superior Tribe of Chippewa Indians

Facility Contact: Pat Hunt, Operations Manager

Permit #: WI-0036587, WI-0036544, WI-0036579

Introduction:

The objective of the Compliance Plan (CP) is to return the Bad River wastewater treatment facilities to compliance with current and future National Pollutant Discharge Elimination System (NPDES) permits and to assure that the conditions of the NPDES permits are met.

This modified CP describes violations at the facilities and the actions required to return to compliance. These actions are outlined in the “Actions to be Taken” section. Continuing to operate in non-compliance may result in the filing of a formal enforcement action, including the issuance of an Administrative Order, with appropriate additional enforcement consequences if violations continue.

Violations:

Violations include failure to meet permit reporting requirements at the Bad River WWTP, Diaperville Stabilization Lagoon, and Birch Hill Stabilization Lagoon; and failure to comply with the permit effluent limits for the following parameters:

- Phosphorus, total [Bad River WWTP]
- E. coli [Bad River WWTP; Birch Hill]
- Solids, total suspended [Bad River WWTP; Birch Hill]
- BOD, 5-day, 20 deg. C [Bad River WWTP]
- BOD, 5-day, 20 deg. C percent removal [Bad River WWTP]
- Solids, total suspended percent removal [Bad River WWTP]

Actions to be Taken:

The following actions outline the steps necessary to bring the Bad River WWTP (WI-0036587), Diaperville Stabilization Lagoon (WI-0036544), and the Birch Hill Stabilization Lagoon (WI-0036579) into compliance:

Date	Milestone	Documentation or Report Required
March 7, 2014	Tribe to submit a Final Compliance Status Report for the Diaperville Stabilization Lagoon and the Birch Hill Stabilization Lagoon. Report will document the actions taken to address violations and summarize current compliance status.	Final Compliance Status Report for the Diaperville Stabilization Lagoon and the Birch Hill Stabilization Lagoon facilities due March 7, 2014.
May 30, 2014	Bad River wastewater operators to complete Certified Operator training and certification for the laboratory category and “back-up” certifications for the ponds and lagoons, and phosphorus removal categories. While at least one of the operators already has certification for the ponds and lagoons, and the phosphorus removal categories, currently none of the operators have the laboratory certification. EPA is willing to provide the Band’s operators with laboratory training and technical support in the interim.	Include training and certification updates in CP Progress Reports due March 31, 2014, and May 30, 2014.
June 30, 2014	Tribe to complete equipment installation, mechanical repairs, and program upgrades required to return the Bad River WWTP to compliance with NPDES permit effluent limits. Tribe to be in compliance with NPDES permit effluent limits and reporting requirements for the Bad River WWTP.	Include project updates and compliance status in CP Progress Reports due March 31, 2014, and May 30, 2014. Submit Final Compliance Status Report for the Bad River WWTP, due July 31, 2014.

Compliance Plan Implementation:

EPA intends to work with the Tribe to implement this modified Compliance Plan. EPA will review each Progress Report, and may schedule conference calls or visits to discuss ongoing progress. Continuing non-compliance may subject the Tribe to a formal enforcement action.

Submittals:

Documentation, updates, reports, and plans required under this modified CP shall be sent to EPA by both registered mail and electronic mail to the following addresses:

Chief, Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd. (WC-15J)
Chicago, IL 60604
ATTN: Dean Maraldo
Email: maraldo.dean@epa.gov

Office of the Regional Counsel
U.S. Environmental Protection Agency, Region 5
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ATTN: Barbara L. Wester, Associate Regional Counsel
Email: wester.barbara@epa.gov